

EXHIBIT A

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff

v.

ROMAN V. SELEZNEV,
Defendant.

NO. CR11-0070RAJ

**DECLARATION OF
OVIE CARROLL IN SUPPORT OF
GOVERNMENT'S RESPONSE TO
DEFENDANT'S MOTION FOR
LEAVE TO FILE LATE MOTION TO
SUPPRESS EVIDENCE**

I, Ovie Carroll, declare as follows:

1. I am the Director of the United States Department of Justice Cybercrime Laboratory in Washington, D.C. I have over 20 years of federal law enforcement experience involving computer forensics. Prior to becoming director of the DOJ Cybercrime Lab, I was a special agent for the Air Force Office of Special Investigations (AFOSI) and Chief of the Washington Field Office Computer Investigations and Operations Branch responsible for investigating all national level computer intrusions into U.S. Air Force computer systems. After my career with the AFOSI I was the Special Agent in Charge of the Postal Inspector General's computer crimes unit where I was responsible for all computer intrusion investigations and for providing all computer forensic analysis in support of USPS-OIG investigations. I currently teach computer

DECLARATION OF OVIE CARROLL - 1

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1 forensics for the SANS Institute, a world renowned computer security training institution.
2 In addition, I am an adjunct professor at George Washington University teaching
3 computer crime investigations. I have also conducted trainings on computer forensics and
4 electronic evidence for Federal District Court Judges, Magistrate Judges, Federal
5 Prosecutors, and State Bar associations throughout the country.

6 2. I was asked to review the report of defense expert Eric Blank in the above
7 captioned matter. I was also asked to review reports of the United States Secret Service's
8 forensic examination of a Sony Vaio laptop computer in this case. Additionally, my staff
9 and I reviewed a forensic image of the Sony Vaio laptop computer. This review included
10 examining every one of the files on the computer with a last accessed or last modified
11 date after July 5, 2014. I am familiar with the operating system that was loaded on the
12 Sony Vaio computer and have conducted hundreds of examinations of computers that
13 used the Microsoft Windows operating system. I have also co-authored and currently
14 teach an advanced Windows forensic training course with an international digital
15 evidence certification. This declaration is a summary of my analysis prepared for the
16 government's response to the defendant's motion for leave to file a late motion. I will be
17 preparing a full report of my findings for trial. Based upon the review of the above
18 reports and the forensic image I have drawn the following conclusions set forth below.

19 3. Mr. Blank's report indicated that there were approximately 3,300 files on
20 the computer that showed last access dates or last modified dates after July 5, 2014. The
21 forensic image of the device that was created by the Secret Service contained this
22 information. The forensic image provided to the defense in October 2014 is an exact
23 duplicate of defendant's computer and clearly identifies the modified, accessed and
24 created file time stamps for every file. One component of the forensic image is a record
25 known as a "master file table." The master file table identifies each file on the imaged
26 computer. For each file, the master file table lists the file's creation date, the date on
27 which each file was last accessed, and the date each file was last modified (the "last
28 accessed date" and the "last modified date") in addition to other metadata regarding every

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1 file on the computer. The "last accessed date" and "last modified date" are the basis of
2 Mr. Blank's opinion regarding the laptop.

3 4. After reviewing the image of the defendant's computer that was provided to
4 Mr. Blank, in my opinion, any independent expert in digital investigative analysis
5 conducting a review of the files with modified or accessed dates subsequent to the seizure
6 of the computer should conclude that there was no evidence of human interaction within
7 the operating system. I have determined that all of the last access dates or last modified
8 dates that occurred after July 5, 2014 were the result of routine operating system activity,
9 and not from human interaction with the operating system. My review indicated that
10 there were some instances when the computer came out of a sleep mode. These instances
11 were due to physical activity (e.g., the lid being opened) or scheduled tasks and routine
12 automatic operating system maintenance operations. Additionally, all files with modified
13 or accessed date changes after the seizure of the computer were not a result of human
14 interaction within the operating system, but instead, caused by automated system
15 activities, including but not limited to standard Windows maintenance operations,
16 antivirus activity, system sleep monitoring activity and other scheduled events.

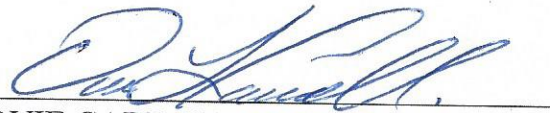
17 5. A review of the computer system, event logs, registry and other forensic
18 artifacts show the computer was last connected to a network on July 3, 2014, and the last
19 network the computer connected to was named "Kanifushi." The evidence also shows
20 the computer did not connect to any other wired or wireless network after July 3, 2014,
21 and as such there is no possibility of remote connections as alleged by the defense.

22 6. Based on my review of the approximately 3,300 files on the computer that
23 showed last accessed dates or last modified dates after July 5, 2014, I have concluded that
24 none of these file dates were the result of user interaction (either directly or via remote
25 connection) with the computer. In my opinion there is no evidence that anyone tampered
26 with or manipulated any evidence on the computer. Furthermore, there is no evidence
27 that the computer was searched or forensically examined prior to the creation of the
28 forensic image on August 1, 2014.

1 7. Contrary to Mr. Blank's opinion, I do not believe any of the files with last
2 access dates or last modified dates after July 5, 2014, have any negative impact on the
3 authenticity, integrity or reliability of any other evidence on the computer. I further
4 believe that Mr. Blank's opinions are contrary to well established and accepted forensic
5 practices.

6 8. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the
7 foregoing is true and correct.

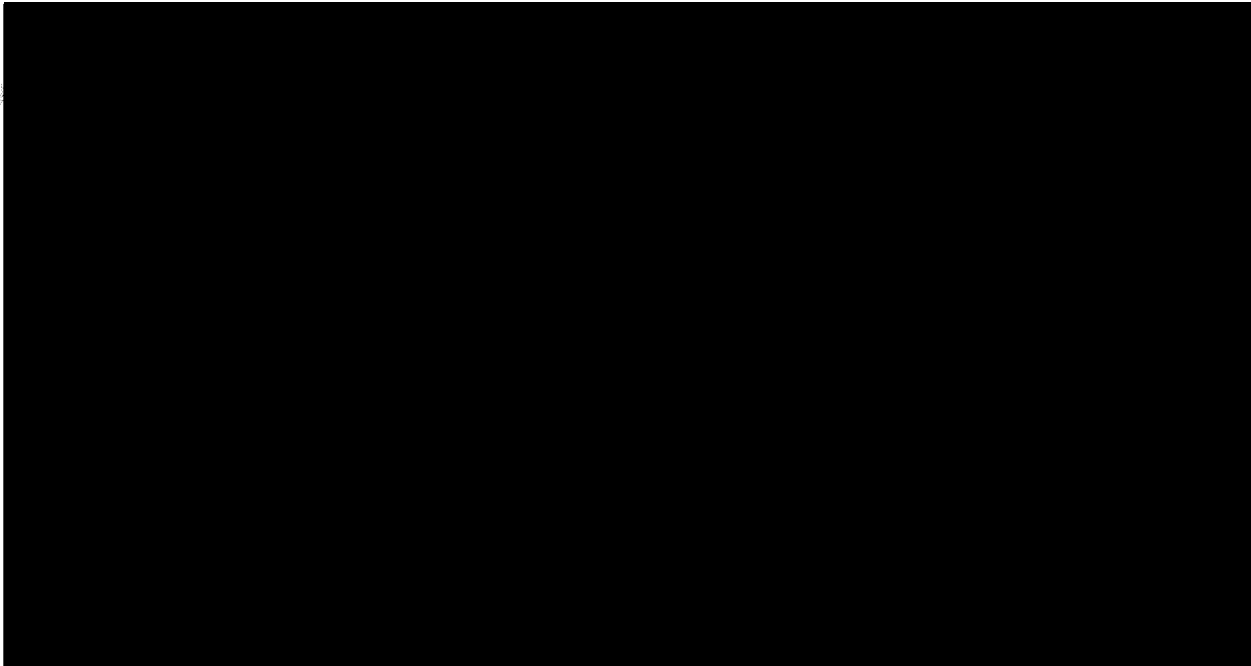
8 EXECUTED: March 17, 2016.

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12 OVIE CARROLL
13 Director, Cybercrime Laboratory
14 United States Department of Justice
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EXHIBIT B

From: MICHAEL FISCHLIN (SEA)
To: "Barbosa, Norman (USAWAW)"
Subject: RE: Seleznev Discovery
Date: Friday, October 17, 2014 11:26:00 AM



From: "Fogg, Steven" <sfogg@corrchronin.com<<mailto:sfogg@corrchronin.com>>>
Date: October 15, 2014 at 5:00:44 PM PDT
To: "Barbosa, Norman (USAWAW)"
<Norman.Barbosa@usdoj.gov<<mailto:Norman.Barbosa@usdoj.gov>>>
Cc: "Wilkinson, Seth (USAWAW)" <Seth.Wilkinson@usdoj.gov<<mailto:Seth.Wilkinson@usdoj.gov>>>, "Canon, Jay" <jcanon@corrchronin.com<<mailto:jcanon@corrchronin.com>>>
Subject: RE: Seleznev Discovery

Norm, good talking to you too. On the documentary discovery, I have the following requests:

The firm requests document images, native files and associated OCR with a Summation-ready DII load file with the following specifications:

- Black & White Group 4, single-page TIFFs (300 dpi).
- Color images in JPG format.
- Image file names should match page ID for that specific image.
- Native file names should match the Document ID.
- Any encryption or password protection should be removed from all native file produced.
- Extracted text (OCR) should be included as a single file per document in ASCII text format and a separate load file (LST) provided with the Summation DII file.

I'm sure you'll let me know if these requests are problematic. I am ccing Jay Canon, who is the firm's IT manager, as he will be able to address any specific issues you may have. Also, we will take you up on the offer to provide Adobe PDFs for possible use in the FDC.

On the forensic images, I am told that the FTK case files have a setting that allows the user to export the index, and not the related work product, ie, bookmarks, notes, etc. I think it might be worth having your case agent speak to Eric Blank about this, as my understanding is that creating the index is time-consuming, and I think it would behoove us (in terms of moving towards a trial date) to be as efficient as possible. Either way, tomorrow (at the arraignment) we will have a 8 TB Buffalo Drive for you to transfer the images.

I gave you guys a call about the trial date/schedule, but didn't hear back—we can discuss tomorrow. Thanks.

Steve

EXHIBIT C

Reference: 14-04385093-1213-PA
 Duration: 00:12:41
 Source Language: Russian
 Translator: *Olga Stevens*

PARTICIPANTS:

Inmate: Roman
 Unidentified Male 1: UM1 [inmate's father]
 Operator: Operator

NOTES:

Text spoken in English: underlined
 Translator's notes: [in brackets]
 Unintelligible: [UI]
 Uncertain spelling: [sp?]
 Interrupted conversation: //

UM1:	Hello, hello.
Roman:	Hello. We haven't finished talking.
UM1:	Hello, hello, yes, Roma [Roman]. Hello.
Roman:	Uh-huh. Can you hear me?
UM1:	Yes, I can hear you.
Roman:	They told me on Friday that it needs to be decided right today with regards to the extension... I said, "No." [Chuckles]. Then they said, "Well, it can wait till Monday."
UM1:	Well... Bastard! I'm telling you, they are doing it on purpose.
Roman:	Uh-huh.
UM1:	I can tell you that all this... Let's say... Hello?
Roman:	Yes, yes.
UM1:	It's the same gang. Those guys, I mean Ilya, they requested it... and so it was transferred to them. [He is speaking not clear, but it sounds like "I gathered a lot in/from the state/government"]. And then they disappeared. This is some kind of special operation.
Roman:	I think so too.



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UM1:	Yes, yes. That's why we need to get rid of those guys. Get rid of them completely. And I think that Anya [Anna], ahh, was duping us because she has no problem to say, "Let's get somebody else instead of Steve then. I'll find somebody..." You know what I mean?
Roman:	Of course. And then she'll say about Steve that he was a jerk. [Laughing]. Even though she was the one who recommended him.//
UM1:	Yes, yes, yes. I think we should get off this completely. Hello?
Roman:	It is clear, but first we need to find somebody.
UM1:	Obviously, we will find somebody. Hello?
Roman:	So, what about the extension? I don't know.
UM1:	What are you saying?
Roman:	What should I tell them about the extension? I don't know.
UM1:	Look, I think they arranged it that way that you'll have to extend even if you don't want to.
Roman:	It's clear, but they want to extend for four.
Operator:	<u>This call is from a Federal prison.</u>
UM1:	Listen, and what can we do? You tell me. Do you have any thoughts about it?
Roman:	Yes, I have a plan.
UM1:	Umm, ok. So, that means that I need to find... umm... a person who will be visiting you and who will be authorized to enter there, right?
Roman:	He will not have an authorization. Only attorneys have it.//
UM1:	//No, I mean... I mean, I need to find an attorney that would not be connected to that whole gang and it has to be a Russian speaking person.
Roman:	I guess. I mean I have a plan for the next week. If it works out.
UM1:	And... Yes... Umm... But in order to fulfill it, you need a person. Because it doesn't matter what you would be doing through them, they will be the ones to block it.



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Roman:	Uh-huh.
UM1:	I think that most likely you are right. But it is how it started from the very beginning, this Jewish way/story... That's what we see, it keeps on going.
Roman:	Yes, yes. It's like they got cornered and they were told, "Go ahead and just milk money out of them. And that's it." [Laughing].
UM1:	Well, maybe, maybe, that's what it is. Because they all are former immigrants, so they are vulnerable, right?
Roman:	Yes.



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UM1:	Maybe they have some incriminating evidence against each of them and they told them, "Listen, guys, you are going to act the way we want you to or you"//
Roman:	Yes. "Or go back for your native Israel."//
UM1:	No. "Or we will get your attorney licenses revoked." And so forth... Right?//
Roman:	Yes. That's right.
UM1:	So, listen... We need... I'll hear them out. Call me tomorrow later, I'll talk with you, we'll discuss it and make a decision. Because preliminary I think that he is making everything up. I have an impression that... I've already told you about it, I've given you hints about it... [I have an impression] that he is just reading, he is doing a great monitoring of the media.
Roman:	Uh-huh.
UM1:	And he is getting information from the media. But since I've stopped talking now and I'm not giving anything to the media officially, this is not discussed right now... So he has no sufficient information now. You know what I mean? And he has nothing to tell us about.
Roman:	Yes. Yes.
UM1:	I think he is not doing anything at all.
Roman:	I think so too.
UM1:	The one that was at Guam was working for real.
Roman:	He was, but I'm not sure we need to bring him here. They have their own gang here. They don't want anybody not local.//
UM1:	No, the Guam guy can give you an advice as an honest person, a decent person who is interested. You know? That's what I need him for.
Roman:	They don't know anything. Guam is like a village.
UM1:	I understand what Guam is. Ok, I got you, Romka [Roman].
Roman:	Ok, I'll call you tomorrow.
UM1:	Basically, he told you nothing new?
Roman:	He didn't tell me anything new.
UM1:	And the most interesting is that about Steve//



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UM1:	Well, let's not be making guesses, because he feeds us false information. I'm telling you. He is doing it on purpose. He is getting us confused all the time. You know? I thought about it... I don't have a single official report from him. I asked him, "Why is he not writing reports?" All he does is talking on the phone. He goes into long explanations, then it gets a long time for Anna to translate it. We are talking for 2 hours and so on.
Roman:	Right.
UM1:	He doesn't want to leave any traces. You know?
Roman:	He doesn't.
UM1:	And if he doesn't want to leave any traces, that means he is getting us confused on purpose. Because a normal job of a normal attorney includes reports. And it is written in the agreement that he shall write reports. I'm asking, "Anya [Anna], why is he not writing reports?" She says, "I don't know. Maybe it is more convenient for him." And I go, "And it is more convenient for me to read reports." And she says, "But they will be in English." I said, "It's ok. I'll figure it out in English. I have a whole crew of translators."
Roman:	Yes.
UM1:	[She goes] "Well, I don't know." You know what I mean? They try to avoid questions like that. They avoid them.



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Roman:	Yes.
UM1:	I was talking very bluntly today. I can't tell you everything over the phone.
Roman:	I understand. I was not talking bluntly yesterday. I was listening to everything they had to say. I asked questions about everything. And you can't just go off half-cocked.
UM1:	No, I was asking direct questions. I was asking direct questions. I said, "What about this?" I was like, "Listen, what if'//
Roman:	Oh, also... Oh, hold on, I wanted to tell you something. I said... I asked, "Ok, and what about Eric [sp?]?" Meaning the computer guy. He said, "What about him?" I said, "Is there some kind of report from him? We would like to have it." He said, "He wrote it already." And then Anna says, "I showed you the message." I said, "The message where he wrote that he needs more money?" She said, "Well, yes." I said, "Did he do anything to earn the money that was paid to him?" Steve replied on that that the money was used to download the information.
UM1:	What?! According to the agreement, preliminary... I understand. I've heard you. I'm thinking maybe he didn't pay him?
Roman:	I don't know. This is just insane.
UM1:	Yes. Listen, Romochka [Roman], I'm in this insanity... I'm telling you, every day, every day I'm talking to them, correspondence is going on with all of them... It's like... You know? I don't understand... Looks like they want to make me crazy.
Roman:	Yes.
UM1:	Ok, we are going to act differently. Our way, Russian way.
Roman:	Ok.
UM1:	Because we need to figure it all out. I thought maybe it was me... But they are all like that.
Roman:	I guess Ilya [sp?] found them on purpose. I don't know. Maybe his sister.
UM1:	Maybe, yes. Because, I am telling you... Ok...
Roman:	Yes.
UM1:	Ok, Romka [Roman], hang in there.
Roman:	Ok.//



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UM1:	And don't open up with them, because you can't open up with them.
Roman:	Ok.
UM1:	They are scum.
Roman:	Ok.
UM1:	Ok, bye.

[End of Call]



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EXHIBIT D

Reference: 14-04385093-1224-P-A
 Duration: 00:06:55
 Source Language: Russian
 Translator: *Olga Stevens*

PARTICIPANTS:

Inmate: Roman
 Unidentified Male 1: UM1 [inmate's father]
 Operator: Operator

NOTES:

Text spoken in English: underlined
 Translator's notes: [in brackets]
 Unintelligible: [UI]
 Uncertain spelling: [sp?]
 Interrupted conversation: //

UM1:	Hello.
Roman:	Hello. Hi.
UM1:	Hello.
Roman:	Hi.
UM1:	Hi, Romochka.
Roman:	I couldn't call yesterday. Phones were turned off.
UM1:	Yesterday? My phone was on.
Roman:	No//
UM1:	//We are here with Lena Stelmah and Mishka. Hello?
Roman:	Say hi to them.
UM1:	Oh, you can't talk to them, right?
Roman:	That's right, I can't.
UM1:	Yeah, yeah, yeah. Roma says hi to you. [Talking to other people] Romka, hello?
Roman:	Yes, yes, yes.
UM1:	Listen, about the case... I think that you should, ahh, decline the attorney's services... and write a petition.



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Roman:	But I need to find another attorney first.
UM1:	You need to write a petition because by the time you find an attorney, they will not accept the petition and now they will because you don't have one. Hello? I'll talk to her today. It is too early. I wrote to her that I'll be away on vacation. She doesn't offer any normal options. She is sending me letters with absolutely stupid content. As if they were from Steve with earlier dates. And she is acting as if he sent them earlier and I didn't get them for some reasons. But I... You know... There was nothing in my e-mail. Nothing was sent.
Roman:	I don't understand anything.
UM1:	Basically//
Roman:	//I was told that they will come today with a final version of the petition. I was told yesterday.
UM1:	And?
Roman:	And... I don't know.
UM1:	Let's see if they are going to come or not because I don't understand it as well. I can tell you that... Umm, that I wrote... It is my opinion that... I was sitting thinking about it... As for the Chinese, for example, our so-called Chinese, I wrote that I have an impression that they didn't fly anywhere because if they did fly, they would've had a report with specific people included. Like airport workers or somebody like that.
Roman:	Yes.
UM1:	And they have hotels and so on in the references. They refer to political figures that they had meetings with, you know what I mean, right?
Roman:	Yes, right.
UM1:	It is just obvious.
Roman:	Of course.
UM1:	Next, as for Electronic, their work is questionable because they got paid, ahh, and they needed to provide a report. In the letter that I just got today, the one that was sent a long time ago, it says, "Give us forty thousand dollars and we will continue our work because we see something we can cling on to." First they need to itemize and give a report on the money that was spent. What things in particular they are going to focus on in terms of what they can cling on to. But not like that way... I believe that all that he is doing is conning us out of money.



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Roman:	Yes.
UM1:	I wrote to him that most likely we are going to go with somebody else.
Roman:	Uh-huh. Yes, yes, yes. And he?
UM1:	Because I don't see any reason to continue. After that Anna wrote to me... I'm not giving you details because I'm sitting at the table now... Umm, that she is going to be away from whatever date till whatever date in Canada on vacation and Steve too... You know what I mean? And I have a question when are they going to submit it?
Roman:	Very interesting.
UM1:	But now when I come back//
Roman:	//It needs to be submitted by the 5 th .
UM1:	That's why could you call me back later today? Or you won't be able to?
Roman:	I can, yes.
UM1:	Then call me when it is...about//
Roman:	//I don't know how I'll call you back. It depends on how I can do it.
UM1:	Look... Whenever you can, call me because//
Roman:	//Ok.
UM1:	Not earlier than 1 a.m. Moscow time because by the time I talk to them, by the time I get home, by the time I talk to them... I also have some personal business. Ok?
Roman:	Ok.
UM1:	Ok. Let's do this and later we'll discuss it with you.
Roman:	Ok.
UM1:	I sat down and I was analyzing it and I can see that he is con man. And to drag this process is to fool yourself.
Roman:	That's for sure.
UM1:	I don't see any use out of them.
Roman:	No, I haven't seen it//
UM1:	//Do you know what he wrote? He wrote that//
Roman:	//I was hoping that they can talk to people, but that's not the case.



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UM1:	No, listen, this jerk wrote to me that it is unfortunate that Roman decided to have this position. I understand his point of view because he is not ok to negotiate about 8 years and so on. Something like maybe he will think about it. You know... I really don't understand who he is working for? I wrote that... Ahh, this is a strange attorney. He is sure ahead of time that the case will not be accepted and he is sure ahead of time that we will lose. What's the point of having an attorney like that?
Roman:	Uh-huh.
UM1:	And at the same time he is asking for money. Can you imagine?
Roman:	Yes.
UM1:	It's like he says, "I'll lose, but give me the money."
Roman:	That's it. I was looking at him and I couldn't understand if he was joking or not. Is he against me or what?
UM1:	Uh-huh, uh-huh.
Roman:	Something like that.
UM1:	The attorney should make your feel confident that... The case can be solved, right?
Roman:	At least that.
UM1:	Uh-huh. Ok, let's do like we agreed to talk later.
Roman:	Ok.
UM1:	Ok?
Roman:	Ok.
UM1:	Bye. Kisses.
Roman:	Hold on. Did you call there? About other things?
UM1:	No, I told you that I also have some personal business.
Roman:	Ok, I got you. Bye. Kisses.

[End of Call]



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